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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,326	09/23/1999	KYOUNG KIM	117694/KIM3	4525
30594	7590	01/19/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,326

Applicant(s)

KIM, KYOUNG

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2-11, 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claimed subject matters of “a method and system of controlling call admission in a communications network, by calculating a load level as a function of **at least one** of a difference between a current measured power and a previous measured power and a difference between a current number of users and a previous number of users; and controlling call admission based on the calculated load level, wherein said calculating step recursively calculates updated load levels” as in claims 2, 3, 13 and 14, “a method and system of controlling call admission in a communications network, by calculating a load level as a function of previous and current measured powers **or** previous and current number of users; and controlling call admission based on the calculated load level, wherein said calculating step recursively updates load level as a function of previous and current number of users” as in claims 5 and 16, and “a method and system of controlling call admission in a communications network, by calculating a load level as a function of previous and current measured powers **or** previous and current number of users; and controlling call admission based on the calculated load level, wherein said calculating step recursively updates load level as a function of previous and current measured powers” as in claims 6 and 17, all were not described in the specification in such a way as to enable one skilled

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in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

To be more specific, according to pages 7-9 of the specification disclosure and Figure 2, there are three load level estimating methods (steps 220, 226 and 232), each requires specific prerequisites for performing individual method. For instance, the **method one** requires the measurements of old and new power measurements and number of user values (steps 204 & 208), counter = 1 (step 214), and $|N_{new} - N_{old}|$ is at least equal to N_{th} (step 220). For the **method two**, it requires the measurements of old and new power measurements and number of user values (steps 204 & 208), counter not equal to 1 (step 214), and the post steps of calculating an estimate of P_{new} , P_{new}' , using L_{new} (step 228) and comparison of P_{new}' to actual base station receive power measurement to be reasonably close (step 230) to confirm that the second load level estimating method yields a reasonably accurate result. As for the method three, it requires the measurements of old and new power measurements and number of user values (steps 204 & 208), counter not equal to 1 (step 214), and the post steps of calculating an estimate of P_{new} , P_{new}' , using L_{new} (step 228) and comparison of P_{new}' to actual base station receive power measurement **not** sufficiently close (step 230).

Furthermore, it is also improper for claims 9-11 to depend on claim 6 and claims 20-22 to depend on claim 17, respectively, since all steps in claims 9-11 require the prerequisite steps of claim 7, and all steps in claims 20-22 require the prerequisite steps of claim 18.

Overall, all three load level estimating methods are correlated to one another, and each requires its own prerequisites to be performed. And nowhere in the disclosure implies that any method can stand alone as the sole means for calculating the load level recursively to control call

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admission. Therefore, claims 2-11, 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement for the reasoning as indicated above.

3. In view of the above rejection regarding 112, 1st paragraph for non-enablement, no prior art rejection can be applied at this time.

4. Applicant's arguments filed November 14, 2005 have been fully considered but they are not persuasive.

In the remark, the applicant first made a note citing unusual procedural posture of the instant application. The examiner is hereby to clarify that Examiner Kenneth N. Vanderpuye on the record is no longer examining the instant application due to job promotion. Examiner Alpus H. Hsu has inherited the case starting last office action dated August 16, 2005. It is not unusual for the applicant to receive two entirely different office actions with different objection/rejection since two examiners could have different opinions regarding the subject matter of the invention.

Secondly, regarding 112, 1st paragraph for failing to comply with enablement requirement raised by the examiner in previous office action, the applicant has responded by referring to the specification, page 3, lines 18-22, page 5, lines 20-23, equations (4), (5) and (7), and claims 1 and 12 as originally filed, which were found not persuasive. The sections in the specification and the claims referred by the applicant are merely duplicates or similar recitation of the claim languages rejected under 112, 1st paragraph, which provide no support for the enablement of the claimed invention as recited in claims 2, 3, 5, 6, 13, 14, 16 and 17, which are listed in paragraph 2 of the instant office action. The applicant also erroneously argued that the equations (4), (5) and (7) are different methods and do not require correlation to or association with the other. To be more specific, the equation (4), as in page 4, line 4, estimates load level

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using the current and previous number of user values **and** the current and previous base station receive power measurements. The equation (5), as in page 4, line 13, is a subsequent step of equation (4) for recursively updating the load level estimates using the changes in the number of the users, which requires the prerequisite of equation (4) and cannot be performed independently by itself. Similarly, the equation (7), as in page 5, line 1, is a subsequent step of equation (6) for recursively updating the load level estimates using the changes in base station receive power, which requires the prerequisite of equation (6) and cannot be performed independently by itself.

Third, the applicant also erroneously stated that the examiner suggested that one skilled in the art would not understand that calculating a load level as a function of at least one of a difference between a current measured power and a previous measured power and a difference between a current number of users and a previous number of users, which is not the case. The examiner has rejected all claims under 112, 1st paragraph because the subject matter of the invention as described in pages 7-9 of the specification disclosure and figure 2 was not properly presented in the claims, for enabling the one skilled in the art to calculate the load level and to recursively update the load level as described in the specification disclosure.

For at least the reasons given above, the examiner believes that the 112, 1st paragraph rejection should be sustained.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Scholefield et al. is additionally cited to show the method for recursively update the effective bandwidth in call admission control system utilizing recursive steps similar to the claimed invention.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

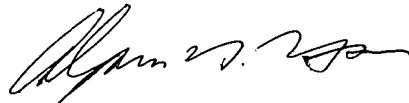
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH

A handwritten signature in black ink, appearing to read 'Alpus H. Hsu', with a stylized flourish at the end.

Alpus H. Hsu
Primary Examiner
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